

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVE W. REYNOLDS,)	
)	
Plaintiff,)	
)	Civil Action No. 1:17-cv-320
v.)	
)	
PHIL JOHNSON, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on November 29, 2017 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. The magistrate judge's report and recommendation (Docket No. [4]), filed on January 10, 2018, recommended that the instant lawsuit be dismissed for Plaintiff's failure to prosecute. Service was made on the Plaintiff, and objections were due on or before January 29, 2018. No objections were filed. After *de novo* review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd day of February, 2018,

IT IS HEREBY ORDERED that the instant civil rights action is DISMISSED without prejudice for Plaintiff's failure to prosecute.

IT IS FURTHER ORDERED that the Plaintiff's motion for leave to proceed *in forma pauperis* (Docket No. [1]) is DENIED as moot.

IT IS FURTHER ORDERED that the January 10, 2018 Report and Recommendation of Magistrate Judge Baxter (Docket No. [4]) is adopted as the opinion of this Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case “**CLOSED.**”

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if plaintiff wishes to appeal from this Order, a notice of appeal as provided in Federal Rule of Appellate Procedure 3 must be filed with the Clerk of Court, United States District Court, at 17 South Park Row, Room A-150, Erie, PA 16501, within thirty (30) days.

/s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: Susan Paradise Baxter
U.S. Magistrate Judge

Dave W. Reynolds
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Counsel of record